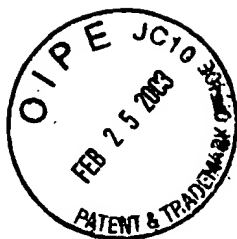


F-6912

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Herbert WEGNER et al.
Serial No. : 09/806,216
Filed : ~~March 27, 2001~~ April 25, 2001
Title : DEVICE FOR GENERATING AN AEROSOL
Group Art Unit : (Not yet known)
Examiner : (Not yet known)

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on February 19, 2003

Frank J. Jordan
(Name)


(Signature and Date)

02/19/03

Assistant Commissioner
for Patents
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE
OFFICE ACTION UNDER MPEP 711.03(c) II**

Sir:

This will confirm that Counsel received a telephone call from Examiner Charles S. Bushey on or about July 31, 2002 wherein Examiner Bushey indicated that an Office Action dated July 17, 2002 had been issued and he inquired as to whether a response had been filed. Applicant never received an Official Action dated July 17, 2002 and the first time that applicant became aware that an Official

Action had been issued was during the aforementioned telephone conversation with Examiner Bushey.

Applicant has since received an Official Notice of Abandonment dated January 31, 2003 on February 3, 2003.

It is respectfully requested that the Patent Office grant this Petition to withdraw the holding of abandonment and that the Patent Office mail to applicant a copy of the Official Action dated July 17, 2002.

A search of the Counsel's file jacket and docket records indicate that the Official Action of July 17, 2002 was not received. Attached hereto as Exhibit A is a copy of a page from applicant's docket book where the non-received Office Action dated July 17, 2002 would have been entered had it been received and docketed. Thus, the response to the Official Action dated July 17, 2002 would have been due October 17, 2002 and the enclosed docket record shows that there is no entry on this date for F-6912 which is applicant's docket number for this instant application Serial No. 09/806,216.

Applicant enters on the front of each file folder the due date for responding to all Office Actions. Enclosed is a copy of the front of the file folder for Serial No.

09/806,216 and it will be seen that there is no entry for the due date of October 17, 2002.

It is believed that the above supports Counsel's statement that the Official Action dated July 17, 2002 was not received. In view of the above, granting of the Petition and withdrawal of the Notice of Abandonment is respectfully requested. Since the Notice of Abandonment was issued through no fault of applicant, in fairness and in equity, it is believed that applicant should not have to pay a Petition fee. Nevertheless, if a Petition fee is required, please charge to Deposit Account 10-1250. Please charge any additional fees in connection with this application to Deposit Account 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By 

Frank J. Jordan

Reg. No. 20,456

Attorney for Applicants

122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/cj

Enc.

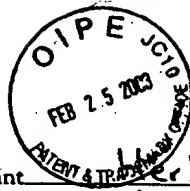
Copy of applicant's docket book showing entries made before and prior to October 17, 2002

Copy of the outer cover page of applicant's file for U.S. Serial No. 09/806,210

U.S. Nat'l St.

PCT/EP99/09464 Filed Dec. 3, 1999

F-6912



Patent No.

Granted

Applicant Herbert WEGNER et al.

Ser. No. 09/806,216

Group 1704

Filed March 27, 2001 April 25, 2001

Room

For Device for Generating An Aerosol

Drawings _____ Sheets, Executed _____

Forwarded _____

Allowed _____

Allowance Notice Sent _____

Final Fee Sent _____

Receipt for Final Fee _____

Patent Delivered to _____

Assignee GEA Finnab GmbH

Assignment Forwarded _____

Recorded 4/27/01

Reel 011787

042:

Frame

Assignment Returned _____

Delivered Assignee _____

Foreign German Pat. Appl. No. 298 21 687.6 filed Dec. 5, 1998

Apph. Due - June 5, 2001

Decl. Due - April 27, 2001

Response Due - Sept. 28, 2001

711.03 C II

1156 02 53 11-16-93

Applicant's Residence _____

Post Office Address _____

Rec'd from Busse
(B)

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09/806,216

Busse

S.N.

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Oct. 16	F-6416	WLB	09/746, 398	Watanuki	CBH	HFR to report O.A.
Oct. 16	F-6416	WLB	09/158, 283	Watanuki	CBH	2. A

1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE UNITED STATES OF AMERICA" and the author "BY JAMES MADISON".

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17 F-4717
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4-17	F-4398	Harlow	CSH	2 yu. maint. p ^{er} sec	12/17/92
4-17	F-4817	Bardelle	CBH	2 yu. maint. p ^{er} sec	10/17/93
5-15	F-4817	Bardelle	CBH	2 yu. maint. p ^{er} sec	10/17/93
5-15	F-4817	Bardelle	CBH	2 yu. maint. p ^{er} sec	10/17/93

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Oct 18	F-60842	091767, 459	Hrb	Seico	FJJ	QA (1-mo-ext)	
Oct 18	F-60335	091412, 476		Sageo	FJJ	QA (1-mo-ext)	
Oct 18	F-60111	091408, 430		Ichihara	CBSN	1-mo-ext	CONF
Oct 18	Ma-155	091435, 454		Wakatsuki	PaD	cl. 20 y. SMO	(DOW 11/18/83)
Oct 18	77-209	1,254,369	H.K. Anderson	FDL	Renova	10/18/83	DOS/METER
18	F-45204	5467, 968	Tsutada	CBH	4118/95	73% min. 1.4m	
Oct 18	F-7477		Buue	FJJ	DS	2/mo	9314 Renewal Due
Oct 18	IM184	1,223,811		Atheonguige	CBH		
Oct 18	F-350	Model 100		Wotahuki	CBH	Pay 11/3/84	H, toe
Oct 18	M-175	1195, 625		Wakatsuki	FJJ	200	200
Oct 18	F-7072	091968, 825		Sudo International	CBH	HFR	to 10/2/83